HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.14705 of 2006

Date: 18-07-2006

Between:

Smt. A. Bharatamma

...PETITIONER

a n d

1. District Collector, Nalgonda District at Nalgonda and another

...RESPONDENTS

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.14705 of 2006

ORDER:

The petitioner's land in an extent of Ac.0-45 cents in Sy.No.141/EE of Namanpally Village, Hamlet of Nandanam Village, Bhongir Mandal, Nalgonda District, has been notified under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') on 10.05.2006 and published in gazette on 20-05-2006 for the stated purpose of providing of house-sites to weaker sections of the society. Provision of house-sites to weaker sections of the society is a regular ameliorating programme for the State that presents no urgent features warranting issuance of notification under Section 4(1) of the Act by dispensing with the salutary provision of an enquiry under Section 5-A of the Act. The draft declaration under Section 6 of the Act is also issued on 22.05.2006.

In the aforesaid circumstances, as the invocation of the urgency clause is seen to be arbitrary and irrational, the same is declared as invalid and unsustainable. The draft declaration under Section 6 of the

Act in respect of the petitioner's land published on 22-05-2006 is quashed. The respondents are directed to issue a notice to the petitioner for conduct of an enquiry under Section 5-A of the Act. The decision taken pursuant to the enquiry under Section 5-A of the Act shall be communicated to the petitioner immediately after the decision is taken. Till the decision is taken pursuant to the enquiry under Section 5-A of the Act, the petitioner shall not be dispossessed.

The writ petition is disposed of as above at the stage of admission after hearing the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition. There shall however be no order as to costs.

18-07-2006

cvrk